

Hon. Brian M. Cogan
United States District Court Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

RECEIVED
HON. Brian M. Cogan
APR 05 2022

Case Name: *Brainwave Science, Inc. vs. Arshee, Inc., et al*

Case Number: 1:21-cv-04402-BMC-RLM

March 21, 2022

Your Honor,

This is a duplicate letter sent via USPS. I am not sure you received my affidavit that was sent via the "*Pro Se Electronic Document Submission During COVID-19 Pandemic*" web interface. I submitted an identical response to your order yesterday March 20.

My original submission of my affidavit was executed on March 11, and now not sure you received it on time. I observed that submissions entered via this interface get acknowledged via the "*ecf_bounced*" email of the CM/ECF system way after the submission (sometimes two weeks later).

I also executed the \$2000 bond on March 11 and sent it via Federal Express on the same date for Saturday delivery. It was delivered to the court on the following Monday (March 14).

Attached to this letter are a copy of the affidavit, FedEx receipt, and FedEx tracking information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Thierry', with a long horizontal line extending to the right.

Thierry Maison

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BRAINWAVE SCIENCE, INC.,

Plaintiff,

vs.

ARSHEE, INC., DR. LAWRENCE A. FARWELL
DR. THIERRY MAISON AND BRAIN
FINGERPRINTING FOUNDATION,

Defendant

Civil Action No.: 21-cv-4402 (BMC)

Affidavit of Dr. Thierry Maison in response to Order of
December 13, 2021.

Dr. Thierry Maison, being duly sworn, declares under penalty of perjury as follows:

- 1) I, Thierry Maison, submitting this Affidavit establishing that I have complied with the presently imposed preliminary injunction and I have a plan in place to retain all records related to this litigation.
- 2) Said preliminary injunction stated as follows:
 - a) Defendants must take any commercially-practicable actions to recall or replace any software containing plaintiff's "confidential or proprietary information" from third parties;
 - b) Defendants must not sell or transfer plaintiff's "confidential or proprietary information;"
 - c) Defendants must not use plaintiff's "confidential or proprietary information" in any software update or product demonstration; and
 - d) Defendants must provide to the plaintiff, at the plaintiff's sole expense, a report from an independent third party confirming that any P300-related software demonstration, sale, update, or transfer by defendants does not include the plaintiff's "confidential or proprietary information."
- 3) I am complying with the above provisions in the following ways.
 - a) I was not involved in any business transactions related to or with the plaintiff's proprietary information and acted solely as a software developer to Dr. Lawrence Farwell.
 - b) I was never renumeralated for those efforts.
 - c) The product of any code compilation (the software program) was transmitted exclusively to Dr. Lawrence Farwell and nobody else.

Affidavit of Dr. Thierry Maison in response to Order of December 13, 2021. - 1

- 1 d) That any development activities ceased at the beginning of this case, that no software updates or corrections
2 were executed since, and the software may not be functional at this time due to Microsoft Windows
3 updates.
- 4 e) That access to the online code repository was granted to the plaintiff's attorney of reference.
- 5 f) That ownership of the code repository can be transferred to the plaintiff's attorney on his request.
- 6 g) I have not sold or transferred personally any software that contains "plaintiff's proprietary information,"
7 and will not do so.
- 8 h) That any future developments on Electro Encephalogram-related (EEG) software will not contain any
9 plaintiff's proprietary information.
- 10 4) Regarding retaining all records related to this litigation have been archived and placed in a Google Drive
11 location accessible to the plaintiff's attorney.

12
13 Dated this 11 of March 2022.



14 Thierry Maison

postalcenter

Shipping, Printing and Business Services
279 East Central Street
Franklin, Ma 02038
508.541.8100
fax 508-541-6788
www.postalcenter.com
franklinma@postalcenter.com

Shipment-----

FedEx Priority Overnight Envelope

Ship To:

Attn: Intake Department
U.S District Court Eastern District of Ne

w Yor

225 Cadman Plz E
BROOKLYN, NY 11201

Package 70.06

Contents:

Documents

Tracking #: 270756822982

Expected arrival: Sat 03/12 12:00 PM

SUBTOTAL 70.06

TAX 0.00

TOTAL 70.06

TEND American Expres 70.06

Total shipments: 1

Thierry Maisson

Ian 03/11/2022

#637482 11:22 AM

Workstation: 53 - Auxiliary Workstation 2021

CCIran# a10e5d67-b7f0-4741-8613-8b00ee74645b

Ground transit times are not guaranteed.

All shipments not packed by

postalcenter

are shipped at customer's own risk.

All shipments packed and shipped by postalcenter

are covered by our

Pack and Ship Pledge!

-Direct all claim inquiries to-

-postalcenter-

All claim decisions are decided
by the shipping carrier and are final.

Questions, Comments, Compliments or Concerns?

please email us at

customerservice@postalcenter.com

Thank you for your business!

www.postalcenter.com

3/14/22, 9:51 AM

Detailed Tracking



FedEx® Tracking

⋮

270756822982



ADD NICKNAME

Delivered
Monday, March 14, 2022 at 8:34 am



DELIVERED

Signature release on file

GET STATUS UPDATES

OBTAIN PROOF OF DELIVERY

FROM
FRANKLIN, MA US

TO
BROOKLYN, NY US

MANAGE DELIVERY 

Travel History

TIME ZONE

Local Scan Time

Monday, March 14,
2022

8:34 AM	BROOKLYN, NY	Delivered Package delivered to recipient address - release authorized
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7:40 AM	BROOKLYN, NY	On FedEx vehicle for delivery
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6:24 AM	BROOKLYN, NY	Shipment arriving On-Time
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6:06 AM	BROOKLYN, NY	At local FedEx facility
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Saturday, March 12,
2022

11:08 AM	BROOKLYN, NY	Shipment arriving On-Time
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10:55 AM	BROOKLYN, NY	At local FedEx facility
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10:54 AM	BROOKLYN, NY	Delay Business closed- No delivery attempt
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3/14/22, 9:51 AM

Detailed Tracking

10:23 AM	BROOKLYN, NY	Shipment arriving On-Time
10:10 AM	BROOKLYN, NY	At local FedEx facility
Friday, March 11, 2022		
8:09 PM	RAYNHAM, MA	Left FedEx origin facility
5:30 PM	RAYNHAM, MA	Picked up
10:22 AM		Shipment information sent to FedEx

Expand History 

Shipment Facts

TRACKING NUMBER 270756822982	SERVICE FedEx Priority Overnight	WEIGHT 0.5 lbs / 0.23 kgs
TOTAL PIECES 1	TOTAL SHIPMENT WEIGHT 0.5 lbs / 0.23 kgs	TERMS Shipper
INVOICE NUMBER PKG ID: 696120	SHIPPER REFERENCE Thierry Maison	PACKAGING FedEx Envelope
SPECIAL HANDLING SECTION Saturday Delivery	SHIP DATE 3/11/22 	SHIPMENT-FACTS.COD-DETAIL \$0.00
STANDARD TRANSIT 3/14/22 before 12:00 pm 	ACTUAL DELIVERY 3/14/22 at 8:34 am	

Thierry MAISON
7 Gloucester Dr.
FRANKLIN MA 02038

BROCKTON MA 02290



Hon. Brian M. Cogan
United States District Court
Eastern District of New York
225 Cadman Plaza East
BROOKLYN NY 11201

11201-182169

